

*Act anent these who are or shall be found Fugitives and Run-awayes
from their Companies and Colours.*



THE ESTATES OF PARLIAMENT presently convened by vertue of the last Act of the last Parliament, holden by His Majestie and three Estates, in *Anno 1641*. Taking to their consideration the great prejudice and danger which may arise to the Armies raised and to be raised, for defence of Religion, Liberties, and Kingdomes, by reason of some, who having gone or shall go out with the saids Armies, have run away, or may hereafter run away from their Companies and Colours. For remedy whereof, It is statute and ordained, that all those both of Horse and Foot, who shall run away from their Companies and Colours, without a Passe, shall be apprehended by the Colonels and Committees of War within ilk Shire and Division, Captains of Parochines, or Magistrates within Burgh where they dwell, and others whom they shall appoint for that effect, where-ever they can be found, and sent again with all diligence to their Company and Colours, upon the publick charge, which is to be advanced by the Collectors of the Excise, and allowed in their compts; There to be punished conform to the Articles of Military Discipline: Or else that the Committees of Warre, and Colonels within ilk Shire, and Magistrates within Burgh (if they think it expedient for the good of the Armies, and terrifying others from running away in like manner) decimate the saids Fugitives, both Horse and Foot, being apprehended, and cause hang the tenth man of them, and escheat their goods for the use of the Publick: And if there be but one or more of them within yenne, to cause hang one of them, albeit there be but one, and cause send the rest of the saids Fugitives, Horse and Foot, to the Committee of Estates at Edinburgh, upon the expences of the Publick, as is aforesaid, to be sent back to their Colours, in manner as the said Committee shall think fit. And because the resetting and entertaining of the saids Fugitives, imbolds and encourages them to keep themselves still lurking, and encourages others by their example to run away; Therefore it is statute and ordained, that whosoever shall keep, reset, or entertaine the saids Fugitives, Horse or Foot, or shall have knowledge of their being within their bounds, and shall not delate and deliver them to the said Committee, Colonels of Shires, Captains of Parochines, or Magistrates within Burgh, with all possible diligence; then the saids Resetters or Concealers, shall be repute & estimate as disaffected, & Enemies to Religion, their Countrey, and the Cause presently in hand, and shall be accordingly punished by the Committee of Estates, or Committees and Colonels of Warre where they dwell, or Magistrates within Burgh, and shall be lyable in the summe of five hundred Merks for every Horse-man, and one hundred pounds for every Foot-man they shall be found to have reset in manner foresaid: The one half whereof shall be employed for the use of the Publick, and the other half of the same shall pertain to whatsoever Persons that shall delate the foresaid Persons, Resetters, and Entertainers, and who shall qualifie the foresaid Reset and Entertainment; To whom the saids Estates promisseth hereby to grant and dispone, and by hir presents grants and disposes the present right of the same. And if the Committees and Colonels of Warre within each Division, or any person being thereupon, Captains of Parochines, or Magistrates within Burgh, shall be negligent in taking order with the foresaid Fugitives and Run-awayes from their Colours, and with their Resetters and Entertainers, or shall delay and be deficient in putting of this Act to execution, after the forme and tenor thereof: ilk Person of the saids Committees of Warre, Colonels, and Captains of Parochines, and Magistrates within Burgh, shall pay the summe of five hundred Merks, for ilk failzie, *toties quoties*; the one half of which Fyne shall pertain to the Publick, and the other half thereof to the Persons delaters. And also it is statute and ordained, that if it come to the knowledge of any Person, who have or shall happen hereafter to out-reach Souldiers on Horse or Foot, that these out-reached by them are disbanded and fled from their Colours, the saids out-putters of them shall be obliged to search, seek, and apprehend the saids Fugitives through their whole Bounds and Lands, within whatsoever Paroch or Burgh the saids out-putters dwells, and shall either apprehend and appresent them to the Committee and Colonels of the Shire, Captains of Parochines, or Magistrates within Burgh, that order may be taken with them, conform to the tenour of this present Act. Or else if they be without their own proper Lands, to require the Heritor, Bailie, or Officer who hath charge of their affairs, to produce the Fugitives delated by them to be within their Bounds, before the Committee of the Shire: Or otherwise to assist the saids out-putters, in searching and apprehending the saids Fugitives, as they will be answerable within the Bounds foresaid. And if the saids out-putters and others, shall be negligent to do their exact diligence therein, the saids out-putters shall be obliged to make up their number, by out putting of men in their places, sufficiently provided in Arms, and others necessities, upon the saids out-putters own expences, and the Fugitives themselves to be searched, apprehended, and punished, as said is. And it is statute and ordained also, that the Captains of Parochines, who shall apprehend the saids Fugitives, or Magistrates within Burgh, shall produce the saids Fugitives before the Committee of Warre within their Bounds, at the next meeting of the said Committee, under the pains to be punished and censured as Resetters. And it is ordained likewise, That the Magistrates of Burghs, within whose Bounds the saids Fugitives shall be apprehended, shall receive the saids Fugitives from the said Committee, to be kept by them in firmance, upon the charge of the Publick, to be advanced forth of the Excise, and with all diligence to be sent to the Committee of Estates at Edinburgh. Likeas it is statute and ordained, that this present Act shall be extended against all Resetters, Fugitives, Committees of Warre, Colonels, Captains, and Magistrates of Burgh, and others foresaid, for any reset or neglect of the discharge of their duty *respectively* above-written, in any time coming, after the publication of thir presents, as well for Run-awayes and Fugitives, who have run away in any time by-gone, from any of the Armies levied heretofore within this Kingdome for this common Cause, as for these who shall be levied and run away in time coming. And ordains this present Act to be printed. and a Copie thereof to be sent to every Paroch Kirk, and every Committee of Warre, and every Burgh within ilk Division within this Kingdome, and that it be read at ilk Paroch Kirk, upon the first Sunday after the receipt hereof, and thereafter fixton the Kirk door, or wall, to be read by every Person, that none pretend ignorance. And farther, lest the Fugitives that shall run away, as said is, might be suffered to lurk and escape unpunished: It is statute and ordained, That no stranger shall be received within any Parish or Shire, who shall not have a Passe from some Colonell, or a Testimoniall from the Minister and Session from whence they come, and who shall reset any such Person without Passe or Testimoniall, and shall not delate them, shall incur the punishment of Resetters of Fugitives. And Ordains the Committee to be appointed by the Estates, to see the whole Heads and Articles of the Act foresaid put to a full execution.

Cler. Registri.